

SAMPLE INDIVIDUAL HIPAA ORDER

[CAPTION]

ORDER TO DISCLOSE PROTECTED HEALTH INFORMATION

The Court having reviewed all evidence and relevant regulations and procedures, hereby finds:

1. This Court ordered the above-referenced Defendant to participate in the _____ Alcohol & Drug Program (the "Program").
2. Defendant's participation in substance abuse treatment is a condition of Defendant's continued participation in the Program.
3. The Program requires timely and accurate information concerning Defendant's attendance and progress in treatment in order to adequately monitor the effectiveness and progress of Defendant's progress and participation in treatment.
4. The privacy regulations promulgated by the United States Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 CFR Parts 160 and 164, have imposed restrictions on the ability of health care providers to disclose protected health information concerning a particular individual to third parties except under particular circumstances.
5. HIPAA's privacy regulations contain an exception permitting health care providers to disclose protected health information "in the course of any judicial or administrative proceeding . . . in response to an order of a Court or administrative tribunal." (45 CFR § 164.512(e)(1).)

THEREFORE, IT IS HEREBY ORDERED:

Pursuant to HIPAA, _____ shall disclose to the Program
[Name of Treatment or Health Care Provider]

and its staff, **subject to the federal regulations governing the Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR Part 2)**, information concerning the treatment recommendation, diagnosis, attendance, scope of treatment, treatment progress and quality of participation, dates and results of toxicology testing, and termination or completion of treatment concerning the above named Defendant.

DATED: _____

Judge

Distribution:

Defendant
Court Alcohol & Drug Program
Treatment and Health Care Providers